REMARK

Applicant respectfully requests reconsideration of this application. Claims 1-49 remain in the application. No claims have been amended. No claims have been canceled. No claims have been added.

Correction of Reference made per conversation with Examiner

Applicant contacted Patent Examiner Roberta Stevens on November 26, 2003 to seek clarification on a reference to a "Blum Patent" in the Office Action mailed on October 21, 2003, which was not referenced in an IDS submitted by the Applicant or Examiner, and for which no patent number was indicated. Applicant kindly thanks Examiner for returning the call on December 1, 2003 and correcting Office Action reference "Blum Patent" as being intended by the Examiner as being Donovan (U.S. 6122281).

Applicant reserves right to swear behind reference at a later time

Applicant respectfully reserves the right to swear behind the Donavan reference at a later time per MPEP §2136.05.

Rejections under 35 U.S.C. § 102(e)

Claims 1, 8, 16, 27

The Applicant respectfully submits that Donavan discloses a system whose data flows in the opposite direction of the Applicant's claims. The system in Donavan goes from packets to a TDM network[1], whereas Applicant's claims go from a "TDM signal" to "network packets" (Claims 1, 8, 16, 27). Although it may be inherent in Donovan a way for traffic to travel in the direction of TDM to packet, Donavan does not contemplate Applicants claims. For instance, Donavan does not discuss generating "frame alignment data" from the "TDM signal" and including it in "packet engine packets." (Claims 1, 8, 16, 27) ("a deframer unit to receive Time Division Multiplexing (TDM) signal...including a payload and overhead data, the deframer to generate frame alignment data", a "packet engine

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[1] Donavan describes only that a "LAN packet is unpacked...using information regarding packet length" and put into a TDM signal. (Donavan, col. 7, lines 24-27)

unit to receive the payload, the overhead data and the frame alignment data"; and a "packet

processor ...to generate network packets" (Claim 1, 8); a method that includes "receiving a

TDM signal that includes overhead and payload data; generating frame alignment data",

"placing the TDM signal into packet engine packets....wherein the overhead data, the

payload data and the frame alignment data are within packet engine packets", and generating

"network packets" (Claims 16, 27)). The discussion below regarding claim 41 more directly

addresses this.

Claim 41

Unlike claims 1, 8, 16, and 27, claim 41 claims traffic traveling in the same direction

as described in Donavan. However, Donavan describes only that a "LAN packet is

unpacked...using information regarding packet length" and put into a TDM signal

(Donavan, col. 7, lines 24-27), but does not discuss at all the "frame alignment data" being

in "packet engine packets" so that the framer unit can "reconstruct the superframes within

the TDM signal". Claim 41 requires "a packet engine unit coupled to the packet

processor...the packet engine unit to reconstruct a number of packet engine packets, wherein

a packet engine packet...includes frame alignment data for the TDM signal", and a framer

unit that receives "the frames of the TDM signal and the frame alignment data, wherein the

framer unit is to reconstruct the superframes within the TDM signal."

Claim 47

Claim 47 is directed at traffic traveling in the same direction as claims 1, 8, 16, and

27. (the opposite direction as Donavan). In addition, claim 47 includes similar limitations

regarding "frame alignment data" when the "payload" of a "frame" deframed by the

"deframer unit" is "TDM data." Furthermore, claim 47 requires that the same "deframer

unit", "packet engine unit", and "packet processor" of claim 47 may operate where the

"frame" deframed by the "deframer unit" is "packet based data."

Conclusion

For at least these reasons, Applicant respectfully submits that the independent claims are allowable. The Applicant respectfully submits that the dependant claims 39,40, 48 and 49 are allowable for at least the reason that they are dependent on an allowable independent claim.

Rejections under 35 U.S.C. § 103(a)

As previously stated, the Applicant respectfully submits that Donavan discloses a system whose data flows in the opposite direction of the Applicant's claims. The system in Donavan goes from packets to a TDM network, whereas Applicant's claims go from a "TDM signal" to "network packets" (Claims 21, 33).

In addition claims 21 and 33 require: "placing the first TDM signal into first packet engine packets based on the frame boundaries within the first TDM signal" and "receiving a second TDM signal; placing the second TDM signal into second packet engine packets, independent of frame boundaries within the second TDM signal; and generating network packets from the first and second packet engine packets using a same packet processor." For at least these reasons stated above, Applicant respectfully submits that the independent claims are allowable.

If there is another rejection based on this reference, the Applicant respectfully requests the Examiner to point out where the claim language is found in the reference because Applicant does not believe that the Office Action sufficiently did so.

The Applicant respectfully submits that the dependant claims 2-7, 9-15, 17-20, 22-26, 28-32, 34-38, 42-46 are allowable for at least the reason that they are dependent on an allowable independent claim.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the remarks, and that the Claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.
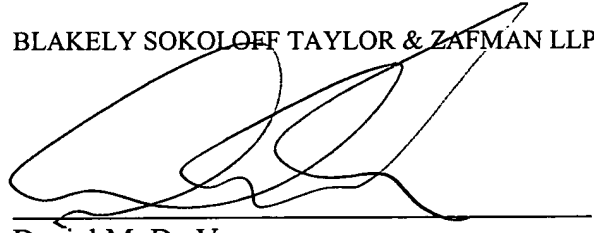
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: ___1/21___, 20_04_

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